

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AMENDED SCHEDULING ORDER

AND NOW, this 27th day of August, 2020, it is **ORDERED** as follows:

1. A trial for the above-captioned case shall be held on **January 12, 2021, at 9:30 a.m.** in Courtroom 14A, United States District Court, 601 Market Street, Philadelphia, PA 19106;
2. A final pretrial conference is scheduled for **January 6, 2021, at 10:00 a.m.** in Room 14614, United States District Court, 601 Market Street, Philadelphia, PA 19106. Lead Trial Counsel must attend. It is the responsibility of any trial counsel who cannot attend to contact the Court as soon as any conflict becomes known so the Court may consider rescheduling the conference. Unless the Court has otherwise granted permission, whoever attends the final pretrial conference will try the case. In addition to each trial counsel, each Plaintiff and Defendant or, in the case of a corporate Party, a representative with full authority to settle the case shall attend. Telephone availability is not acceptable unless leave of Court has been granted. Failure to comply with this order may result in sanctions in accordance with the Federal Rules of Civil Procedure.

As outlined below, all motions *in limine*, evidentiary motions, stipulations of facts, all depositions that will be introduced as testimony, and any and all other legal disputes that the Parties are aware of shall be due before the final pretrial conference so that they may be resolved before trial begins;

3. Plaintiff shall file its expert reports, and related disclosures by **September 16, 2020**, together with copies of all materials considered by any such expert(s). Defendants shall

file their expert's response, and all related disclosures, by **September 28, 2020**, together with copies of all materials considered by any such expert(s);

4. This matter is referred to United States Magistrate Judge Timothy R. Rice for a settlement conference **FORTHWITH**. PLAINTIFF'S COUNSEL SHALL CONTACT DEFENDANT'S COUNSEL, AND THEN THE PARTIES SHALL JOINTLY CONTACT JUDGE RICE'S CHAMBERS TO ARRANGE THIS CONFERENCE. Judge Rice will require that lead counsel and Parties with full settlement authority attend the conference;
5. Any summary judgment motion or other dispositive motion, together with supporting brief, shall be filed **no later than October 28, 2020**. Responses shall be filed **no later than November 11, 2020**;
6. Plaintiff shall propose stipulated facts and submit those proposed stipulated facts to Defendant **no later than December 11, 2020**. Defendant shall state agreement or disagreement with each of Plaintiff's proposed stipulated facts and may counter-propose stipulated facts **no later than December 15, 2020**. Plaintiff is obligated to respond **no later than December 18, 2020**;
7. In accordance with Fed. R. Civ. P. 26(a)(3), listed exhibits shall be numbered and pre-marked for use at trial; no exhibit shall be listed unless it is already in the possession of opposing counsel. Only specifically listed exhibits may be used in the Party's case-in-chief except by leave of Court;
8. Counsel for each Party shall serve upon counsel for the other Party **no later than December 18, 2020**:
 - a. a copy of each exhibit they expect to offer at trial in furtherance of their respective contentions. Each exhibit shall be marked as it will be marked for trial;
 - b. curriculum vitae for each expert witness expected to testify; and
 - c. a specific identification of each discovery item expected to be offered into evidence;

9. Counsel shall also provide the Court with one copy of all of these items in a tabbed, three-ring binder, complete with table of contents, **no later than December 18, 2020**;
10. As to documents listed in accordance with Fed. R. Evid. 803(6), as amended, notice in accordance with Fed. R. Evid. 902 (11) or (12) must be given **no later than December 18, 2020**;
11. All witnesses as to liability and damages should be listed. Only listed witnesses may testify at trial except by leave of Court. Any Party who intends to use deposition testimony at trial must submit deposition designations by **December 11, 2020**. Counter-designations shall be submitted by **December 15, 2020**. Objections to the designations shall be submitted **no later than December 18, 2020**;
12. Any other pretrial or trial matter requiring attention of the judge prior to trial, shall be specifically addressed in the final pretrial conference;
13. All Parties shall prepare and file with the Clerk of the Court their pretrial memoranda by **December 28, 2020**;
14. All motions *in limine* shall be filed **no later than December 28, 2020**. Responses thereto are due **no later than January 4, 2021**;
15. **No later than December 28, 2020**, after meeting and conferring, the Parties shall jointly submit proposed jury *voir dire* questions, jury interrogatories, verdict sheets, and proposed jury instructions a tabbed, three-ring binder, complete with table of contents. The Parties shall individually submit any proposed questions, interrogatories, sheets, or instructions upon which the Parties after conferring cannot agree. All questions, interrogatories, sheets, and instructions shall be submitted in hard copy and on a flash drive to the Court;
16. **No later than January 4, 2021**, the Parties shall jointly submit to the Court a tabbed, three-ring binder, complete with table of contents, containing each of the following:
 - a. Answer;
 - b. Complaint;

- c. Plaintiff's Pretrial Memorandum;
- d. Defendants' Pretrial Memorandum;
- e. Stipulated Facts;
- f. Jointly Proposed Jury *Voir Dire* Questions (and any not agreed upon);
- g. Jointly Proposed Jury Interrogatories (and any not agreed upon);
- h. Jointly Proposed Jury Instructions (and any not agreed upon); and
- i. Jointly Proposed Verdict Sheet; and

17. The Parties shall also provide the Court with an electronic copy of the above documents in Word format.

AND IT IS SO ORDERED.

/s/ Paul S. Diamond

August 27, 2020

Paul S. Diamond, J.